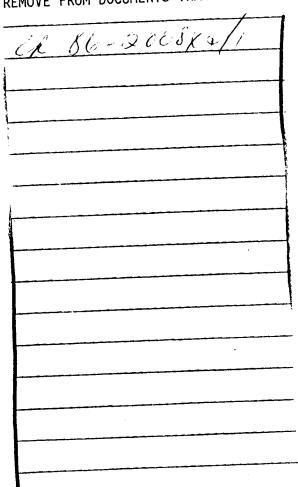
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8617383 United States Department of State

Washington, D.C. 20520

June 4, 1986

Executive Registry

86- 2008X/1

UNCLASSIFIED (With SECRET Attachment)

Senior Interagency Group No. 54

TO: OVP - Mr. Donald P. Gregg
NSC - Mr. Rodney McDaniel

NSC - Mr. Rodney McDaniel
CIA -

Defense - COL James Lemon

JCS - CDR Manfred Karlisch

SUBJECT: SIG Meeting Summary of Conclusions

Attached is the Summary of Conclusions for the SIG Meeting on Humanitarian Assistance for the Nicaraguan Democratic Resistance held on Thursday, May 15, 1986.

bor Nicholas Platt Executive Secretary

Attachments:

- 1. Summary of Conclusions
- List of Participants

UNCLASSIFIED
(With SECRET Attachment)

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SIG MEETING

HUMANITARIAN ASSISTANCE FOR NICARAGUAN RESISTANCE FORCES

Thursday, May 15, 1986 - 11:00 a.m. Room 7516

LIST OF PARTICIPANTS

State

Under Secretary Armacost (Chairman)

Elliott Abrams, ARA Robert Duemling, NHAO William Walker. ARA

William Walker, ARA Sheila Lopez, S/S-S, Notetaker

Ron Godard, ARA

OVP:

Sam Watson

NSC:

Oliver North Ray Burghardt

Observers:

CIA:

Nestor Sanchez

DOD:
JCS:

Adm Anthony Less

COL Stephen Croker

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DEPARTMENT OF STATE

Washington, D.C. 20520

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SECRET

May 13, 1986

Senior Interagency Group No. 54

TO:

OVP - Mr. Donald Gregg

NSC Mr. Rodney B. McDaniel

BIA -

DOD - COL David Brown JCS - MAJ Michael Emerson

SUBJECT:

SIG Meeting, May 15, 1986, 11:00 a.m.

Humanitarian Assistance for Nicaraguan Resistance

Forces

An agenda and a draft of the 90-day report for discussion at the May 15 SIG meeting are attached.

Pomok poles for Nicholas Plott Executive Secretary

Attachments:

- 1. Agenda
- 2. Draft 90-Day Report

SECRET DECL: OADR

B-601-1R

SECRET

Senior Inter-Agency Group Meeting
May 15, 1986

NICARAGUAN HUMANITARIAN ASSISTANCE

AGENDA

- I. Review of Developments
 - A. Discussion of NHAO Activities
 - B. Congressional Oversight
 - 1. Subpoena of Bank Accounts
 - 2. Improving NHAO Financial Control
 - C. Developments Within the Nicaraguan Democratic Resistance
- II. Review of 90-Day Report
- III. Future Prospects for NHAO Program
 - A. Remaining Disbursements
 - B. New Legislation

SECRET

REPORT ON NICARAGUA DRAFT

May 5, 1986

(Note: Annex D classified "confidential" attached)

EFFORTS TO PROMOTE A SETTLEMENT IN CENTRAL AMERICA AND IN NICARAGUA

Summary

Diplomatic efforts centered on Central America increased significantly during the reporting period. The Caraballeda Declaration (issued by the Contadora foreign ministers in January) provided impetus for renewed discussions. A February 10 meeting between Secretary Shultz and the eight Contadora and Support Group foreign ministers was followed closely by a meeting of the 13 plenipotentiaries in Panama February 14-15. Ambassador Philip Habib, appointed by the President March 7 as the new Special Envoy for Central America, made two trips to the region. The 13 Contadora and Central American foreign ministers met April 5-7 in Panama. Nicaragua refused at that meeting to resume negotiations, but subsequently agreed to do so. Negotiations had not, in fact, resumed as the first week of May although we understand that a meeting has been proposed for May 16-18. On April 11, Special Envoy Habib restated the U.S. policy toward Contadora:

"We will, as a matter of policy, support and abide by a comprehensive, verifiable and simultaneous implementation of the Contadora Document of Objectives of September 1983, as long as such an agreement is being fully respected by all the parties. We would not feel politically bound to respect an agreement that Nicaragua was violating."

In addition to Contadora's efforts, the Central American democracies worked together during this period to find solutions to the regional conflict.

Despite the high level of activity, there has been no substantive progress toward a comprehensive, verifiable, and simultaneous agreement. Up to now the Sandinistas have evinced little interest in an agreement under the present circumstances of no additional U.S. government aid (and no military aid since June 1984) to the Nicaraguan resistance, but we do not preclude the possibility that this position could change as the June 6 deadline draws near. End Summary

In a February 10 meeting with the foreign ministers of the Contadora and Support Group nations, Secretary of State Shultz accepted their offer of good offices (conveyed in the January Caraballeda message). He also made two offers to the ministers: to reopen bilateral discussions with Nicaragua simultaneously with the initiation of talks between the Sandinistas and the Nicaraguan democratic opposition, including

the armed resistance; and to take positive action in response to concrete changes in Sandinista behavior in any of our four traditional areas of concern (support for insurgencies, the Soviet/Cuban presence, the military buildup, internal repression). The foreign ministers received letters from President Reagan outlining the commitments the Secretary made orally and reaffirming the U.S. commitment to a peaceful solution.

In their declaration at Caraballeda, the Contadora foreign ministers implicitly rejected Nicaragua's attempt to suspend the process for six months and paved the way for the February 14-15 meeting of the 13 Contadora plenipotentiaries. That meeting focused on implementation of the Caraballeda message, however, rather than on negotiation of the draft agreement. The Central Americans urged that negotiations be resumed; Nicaragua's refusal to negotiate remained unchanged. The meeting made no progress on substance or procedure. The plenipotentiaries also received a joint Nicaraguan-Costa Rican letter requesting establishment of a commission to monitor their border. This proposal was the result of an ongoing effort to resolve continuing cross-border intrusions/attacks, one of which in May 1985 resulted in the death of two Costa Rican civil guards at the hands of the Nicaraguan forces.

Former Special Envoy Ambassador Harry Shlaudeman visited several of the Contadora participants February 19-26. He consulted with them on the direction of the process and sought responses to President Reagan's letter of February 10. Shlaudeman reiterated the need to work for a comprehensive, verifiable agreement and urged the Contadora nations to return to negotiations of the draft treaty. He counselled all participants to avoid undermining chances for success by entering into bilateral arrangements which address only portions of the Contadora agenda.

On February 20, Contadora's vice foreign ministers were invited to meet in Managua to discuss the request for a border commission. The vice ministers agreed to form a commission, but no concrete arrangements were made pending a final agreement between Nicaragua and Costa Rica. To date, no agreement has been reached.

In a further demonstration of the importance the United States places on a negotiated solution, the President, on March 7 appointed Ambassador Philip C. Habib as the Special Envoy for Central America. Ambassador Habib's appointment was greeted warmly by the Contadora nations. He met with the Central American presidents during a brief visit March 12-14.

On April 5-7, the foreign ministers of the 13 Contadora Group, Support Group, and Central American nations met in Panama. The Central American democracies took the lead in proposing a detailed schedule for resumed negotiations and a deadline for concluding the process. The eight Contadora mediators also sought to return the peace process to its objective of promoting a comprehensive regional agreement. Nicaraguan position of refusing negotiations, first announced in November and upheld in January and February, remained unchanged at this meeting. The Honduran, Salvadoran and Costa Rican foreign ministers released a statement outlining their proposal for negotiations. The eight Contadora and Support Group ministers subsequently issued a statement inviting the Central Americans to resume negotiations and to commit themselves to sign and agreement on June 6. (Texts of both communiques are attached as annexes to this document.)

Throughout the Panama meetings, as in previous Contadora sessions, the Nicaraguan delegation was advised by Cuban officials who reportedly counseled the Sandinistas to maintain their hardline posture. One Cuban concern is presumably that the verification measures required by an agreement would reveal the extensive Cuban presence in Nicaragua and would jeopardize the continued Cuban role there.

As requested by the Contadora mediators, all five Central American states have formally notified the Contadora nations that they are willing to continue the negotiations. In conveying the Nicaraguan response, however, President Ortega noted that "The modified Contadora document, which appeared as a result of the difficulties created by the United States, contains points which are unacceptable as they seriously harm the country's sovereignty and security." He also reiterated that "Nicaragua agrees to sign this document on June 6, as long as the U.S. aggression against Nicaragua has completely ended by that date . . . " As of the first week of May, negotiations had not resumed although we understand that a meeting has been proposed for May 16-18.

On April 11, Ambassador Habib wrote to Congressmen Barnes, Slattery, and Richardson affirming that

"we will as a matter of policy support and abide by a comprehensive, verifiable and simultaneous implementation of the Contadora Document of Objectives of September 1983, as long as such an agreement is being fully respected by all the parties. We would not feel politically bound to respect an agreement that Nicaragua was violating."

- 4 -

The letter was made public and shared with the Contadora governments. (The text of the letter is attached as an annex to this document.)

Ambassador Habib returned to the region April 18-28 for an extensive round of consultations with the presidents and foreign ministers of the Contadora Group, the Support Group and the Central American democracies. During this trip he reiterated the U.S. pledge to abide by a comprehensive, verifiable Contadora agreement which is implemented simultaneously. He also explored the future plans of the mediators and the participants. He found the Central American democracies intent on concluding an agreement.

This reporting period also witnessed increased and effective cooperation among the Central American democracies. Guatemalan President Cerezo foreshadowed the trend at his January inauguration by calling for a Central American summit in May. Ministerial and vice presidential meetings have resulted in agreement that the presidents will discuss the creation of a Central American parliament and efforts to achieve peace. On March 4, Salvadoran President Duarte offered to conduct a dialogue with the Salvadoran guerrillas simultaneously with talks between the Sandinistas and the Nicaraguan democratic opposition. At the April 5-7 meetings of the 13 foreign ministers, the Central American democracies took the lead in proposing a detailed timetable for resumed negotiation of the draft acta and a deadline for conclusion of the process. We have every expectation that this cooperation will continue and increase.

CONTADORA GROUP AND SUPPORT GROUP FOREIGN MINISTERS COMMUNIQUE

APRIL 7, 1986

The Ministers of Foreign Relations of the five Central American countries, of the Contadora Group and of the Support Group met in the City of Panama from April 5 to 7, 1986, in order to assess the development of the peace process in Central - America and to determine the process of political negotiation for a solution to the crisis in that region. The Chancellors of the Contadora Group and the Support Group warned that during the past weeks the military escalation, the policy of force and the increase in border incidents have sharpened the Central American conflict, thereby intensifying the threats which hover over the already precarious stability of the region. Peace, an irreplaceable condition for the development of these peoples, confronts new and growing dangers, despite the conciliation efforts promoted by the Contadora Group to arrive at solutions which respect the legitimate rights and interests of all the Central American states.

Following extensive deliberations, the Chancellors of the Contadora Group and the Support Group resolved:

- 1) To reaffirm that the process of diplomatic negotiation forstered by the Contadora Group is the only viable means to obtain a political understanding which permits, with the subscription and entry into force of the Act of Contadora for Peace and Cooperation in Central America, the fulfillment of the commitments therein specified, which constitute the essential bases for peace in the area.
- 2) To invite the five Central American governments to a meeting on June 6, 1986, in the City of Panama, to conclude officially the negotiation of the text of the Act of Contadora and to proceed with its ratification.
- 3) To invite the five Central American governments to recommence immediately negotiations on the remaining two unresolved aspects of the Act of Contadora, that is, control and verification of arms and international military maneuvers, based on the proposals presented by the Contadora Group.
- 4) (The Chancellors) extend these invitations in the hope of receiving the respective responses within eight days.
- 5) (The Chancellors) reiterate that, for the achievement of peace in the region, it is essential that all parties and countries with ties and interests in the region abstain from lending support to irregular forces or insurrectionist movements which operate in any of the countries of the region or which attempt to subvert or destabilize the constitutional order of the Latin American states by means of force or acts of terrorism of whatever type.

6) (The Chancellors) reaffirm that any interference by one state in the internal affairs of another is incompatible with the principles and norms of the Charter of the United Nations and of the Organization of American States and constitutes a flagrant violation of the international juridical order.

The Chancellors of the countries belonging to the Contadora and Support Groups reiterate their approval of the initiative of the Governments of Nicaragua and Costa Rica in establishing a civilian mission of investigation and inspection of border incidents between the two countries. With the participation of representatives of each of those groups, a general reconnaisance of the common frontier between said states will be made during th current month of April 1986 with the aim of specifying the needs of the civilian mission in order to effect its establishment in the briefest time possible.

Likewise, acknowledging the need which the Governments of Costa Rica and Nicaragua have outlined on that matter, the Contadora and Support Groups will immediately initiate, before the international community, the respective steps to secure the indispensable human, material and financial support for the functioning of the civilian mission.

The Chancellors express their appreciation for the attendance of the Minister of Foreign Relations of the Netherlands, Mr. Hans van der Broek, President of the Council of Ministers of the European Communities. This attendance reaffirms the support of the twelve (12) for the Contadora peace process.

Finally, (The Chancellors) likewise wish to thank the Government of Panama for its hospitality and the President of the Republic for his inspirational words.

Concluded in Panama, on the seventh day of the month of April of nineteen hundred eighty six.

Contadora Goup

Augusto Ramirez Ocampo Minister of Poreign Relations of Colombia

Bernardo Sepulveda Amor Secretary of Foreign Relations of Mexico

Jorge Abadia Arias Minister of Foreign Relations of Panama

Simon Alberto Consalvi Minister of Foreign Relations of Venezuela - 3 -

Support Group

Dante Caputo Minister of Foreign Relations of Argentina

Roberto Abreu Sodre Minister of Foreign Relations of Brazil

Allan Wagner Tizon Minister of Foreign Relations of Peru

Enrique Iglesiaas Minister of Foreign Relations of Uruguay

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CONTADORA CORE THREE FOREIGN MINISTERS COMMUNIQUE

APRIL 7, 1986

Joint proposal of the Governments of Costa Rica, El Salvador and Honduras to immediately conclude the negotiation of the pending matters (issues) of the Contadora Acta for Peace and Cooperation in Central America.

The Governments of Costa Rica, El Salvador and Honduras, convinced of the urgent and indispensable need to achieve peace, democracy, security, and economic and social cooperation among the peoples of Central America decided, in the face of the impasse created by the expiration of the 45-day period for the conclusion of the negotiation of the text of the the Acta, to continue with the efforts designed to achieve compliance with the mandate of September 13, 1986, issued at the eighth joint meeting of the members of the Group of Contadora and Central America.

Upon termination of this period of time, there remained pending for negotiation the matters related to "commitments as regards military maneuvers" (Section 1, Chapter III of Part I) and "commitments as regards armaments and military manpower" (Section 2, Chapter III, Part I).

Also identified was the necessity of elaborating the statute for the functioning of the mechanisms of execution and followup, as well as the tasks and actions necessary to bring them (the mechanisms) to realization.

Realizing the aforementioned, the plenipotentiaries of our countries held several working meetings and achieved results which allow us to publicly state our readiness to sign the Contadora Acta.

Accordingly, it was deemed best to present the progress achieved to date as well as a joint proposal to end the negotiations of the Acta and to proceed with its signing.

- 1) In regard to armaments and military manpower, the framework was devised for a mechanism that will permit the creation of conditions that (in turn) will lead to the establishment of maximum levels of military development of the parties, with independence and flexibility.
- 2) In regard to military maneuvers, our countries accept both the regulation of these as well as efforts to determine mechanisms leading to their limitation.
- 3) We have developed a proposed statute on mechansims concerning the execution and followup of the Acta of Contadora for Peace and Cooperation in Central America, in accordance with the tenor of the Acta.

- 4) In like manner, we identified the foregoing tasks and actons which are indispensable in order to bring into effect the mechanisms of execution and followup.
- All the aforementioned constitute contributions that are to be discussed and that are contained in the documents and issues raised in the Acta, and are not different matters or new issues that were not previously contained in the Acta.

In this respect, we propose the following timetable:

The plenipotentiaries of the Central American countries, of the Group of Contadora, and of the Support Group, would meet:

- A) From April 16-18, to complete (finalize) the negotiations on Sections 1 and 2 of Chapter III of Part I of the Acta.
- B) From April 26-30, to reach an agreement on the statute on the mechanisms for execution and followup and on the previous tasks and actions in order to bring them into realization.
- C) From 15-17 (sic), to design the material and human structure, budget, quota system, constitution of a fund for Central American peace, headquarters, and sub-headquarters for the mechanisms for execution and followup.
- D) From 23-25 (sic), reconsideration of pending matters, overall appraisal of achievements and elaboration of the final report for the Ministers of Foreign Relations.
- E) From May 29-31, meeting of the Ministers of Foreign Relations to receive and evaluate the report and sign the Acta.
- F) Beginning May 1, the Foreign Ministers of Contadora, the Suppert Group and Central America, who wish to and can collaborate, should make the necessary consultations with previously suggested countries and individuals, for the integration of the mechanisms of execution and followup of the Acta, as well as to complete the commitments required for the financing of the Acta.

Text of April 11, 1986 Letter from Ambassador Habib to Representatives Barnes, Richardson and Slattery

Dear Mr. Barnes/Richardson/Slattery:

I am prompted by our conversation of April 10 to restate for the record the Administration's position with respect to a Contadora agreement and U.S. support for the Nicaraguan resistance.

Part I, Chapter III, Section 6, Paragraph 32 of the Contadora draft agreement of September, 1985 prohibits any "political, military, financial or other support to individuals, groups, irregular forces or armed bands advocating the overthrow or destabilization of other Governments..." Paragraph 34 of Section 6 requires signatories to "deny the use of and dismantle installations, equipment and facilities providing logistical support or serving operational functions in their territory, if the latter is used for acts against neighboring Governments." Paragraph 35 of this Section would permit governments interested in bringing peace to Central America to provide financial and logistical support for the purpose of relocating disarmed irregular forces or returning them to their respective countries, in accordance with the conditions laid down by the Governments concerned.

Part III, Paragraph 4 of the draft treaty states that "The parties, as from the date of signature, shall refrain from any acts which would serve to frustrate the object and purpose of the Act..."

We interpret these provisions as requiring a cessation of support to irregular forces and/or insurrectional movements from the date of signature. We do not believe these provisions would prohibit financial or other humanitarian aid for the purpose of relocating or repatriating such forces.

Although the United States is not a party to the Contadora negotiations and would not be legally bound by signature of a Contadora treaty, we will as a matter of policy support and abide by a comprehensive, verifiable and simultaneous implementation of the Contadora Document of Objectives of September 1983, as long as such an agreement is being fully respected by all the parties. We would not feel politically bound to respect an agreement that Nicaragua was violating.

This has been U.S. policy from the outset of the Contadora process. On April 27, 1983 President Reagan stated to a joint session of Congress that "We will support any verifiable, reciprocal agreement among Central American countries on the renunciation of support for insurgencies on neighbors' territory."

HUMAN RIGHTS: THE ARMED RESISTANCE

The United Nicaraguan Opposition Human Rights Commission (UNO/CDH) is currently investigating charges against twenty-one members of the resistance for various violations of the UNO Code of Conduct. These cases are distinct from the thirty-two cases referred to in previous reports to Congress.

Most of the cases previously cited involved abuses against fellow resistance combatants. Of those relating to violations of the rights of Nicaragua's civilian population, two were robbery (punished by one and two years incarceration respectively); one was assault and robbery (four years incarceration and expulsion from the Nicaraguan Democratic Forces (FDN)); and one was multiple rape (four years incarceration and expulsion from the FDN).

The Sandinista press reported during this period that the resistance had kidnapped sixty-nine civilians, killed twelve, and wounded twenty-six. The most widely publicized case concerned the alleged mining by resistance forces of a civilian vehicle and the consequent deaths of five persons and wounding of twelve. Among those killed was a Swiss agronomist. The initial government reports of the incident claimed that the cause of the deaths was the explosion of a claymore mine, stated to have been detonated by remote control. This version was later changed, charging that the mine only caused the vehicle to stop, after which the passengers were fired on by "contras."

UNO/FDN officials publicly denied that their forces possessed any such mines, and further stated that FDN elements had not operated in the area of Somotillo, where the attack occurred, either on the day of the incident or for months prior to that date. Although it is not possible to prove the identity of those responsible for the attack, the Sandinista military itself has engaged in extensive mining of both the Costa Rican and Honduran borders, including the area of Somotillo. The placement of these mines, intended presumably to affect operations by the resistance, has resulted in the deaths of a number of civilians attempting to flee Nicaragua for refuge in Honduras. The Sandinistas have also placed mines in both Honduran and Costa Rican territory. In January, 1986, mines placed on the Honduran side of the border killed three Honduran soldiers and wounded two others.

At a press conference on February 12, Mario Fernandez Perez provided ostensibly first-hand information on members of

the Sandinista 50th Anniversary Brigade reportedly taken prisoner by elements of the armed resistance on five different occasions at five different sites during 1984. Fernandez Perez, a self-described deserter from the FDN, claimed the prisoners had been "tortured and abused and then hanged," and their bodies buried in the FDN Las Vegas base camp. This claim is in conflict with reported statements by Maria Obregon Rivas, who was one of the volunteer teachers taken prisoner by FDN forces. According to FSLN daily Barricada, Obregon Rivas stated at her own press conference in November 1985 that four other prisoners "were assassinated several hours after having been kidnapped by mercenaries in Guale, Pantasura." According to a report on her press conference by a Reuter correspondent, however, Obregon Rivas claimed to have no idea what had happened to her fellow prisoners. The Sandinista press has thus offered two conflicting versions, while a foreign correspondent has offered a third.

UNO/FDN has informed the International Committee of the Red Cross (ICRC) that it has no record of six of the nine brigadistas reported to have been taken prisoner, two of whom were allegedly seized in southern Nicaraguan, outside of the area of operation of either the FDN or KISAN. Information was provided about three others reported captured, including Marcia Chamorro, a combatant with the FDN Segovia Regional Command; Maria Obregon Rivas, who lived with an FDN combatant in Danli, Honduras, where she worked in a restaurant before leaving Honduras legally; and Maritza del Carmen Cubillo, who was cited in the February 1986 report to Congress as awaiting release. Del Carmen Cubillo, whose release was complicated by the Sandinistas' refusal to receive her on Nicaraguan territory, has in the interim married an FDN combatant and has chosen to remain with him. She is in correspondence with her family in Nicaragua.

On March 18, resistance forces attacked a power station located on the outskirts of the town of Yalaguina. According to government accounts, the force of about 150 men wounded a soldier defending the plant and killed two civilians during their retreat. The militia killed the "contra" chief, identified as "Aguila V." Embassy officers visited the site of the attack to interview local residents about the press reports. They were told that the technician defending the plant had been killed, along with one member of the militia, and other members of the militia were wounded. Two of the resistance fighters were wounded and taken prisoner, one of whom later died from unknown causes. None of those interviewed, including a participant in the fighting and a local official, mentioned the deaths of civilians.

For a variety of reasons, not the least of which is increased awareness of the obligation to treat prisoners humanely, the FDN has moved increasingly toward offering those

captured the options of returning to their military units, returning to their homes, or integrating with the resistance. The commander of one of the FDN's largest forces, Jorge Salazar I, explained that this approach has been adopted by his command because of the impracticality of marching prisoners for an average of forty-five days to reach incarceration facilities. According to the commander, most prisoners have chosen to return to their homes. Those choosing to do so are turned over to civilians capable of facilitating onward transportation. On the other hand, UNO/CDH reports that twenty of twenty-nine prisoners offered this choice in September 1985 elected to remain with the FDN, while another twelve were released at El Caco in Central Zelaya in August 1985. The names of former prisoners who have integrated with the resistance are routinely provided to the ICRC, as are the names of those who return to their homes or military units. Correspondence to families from both categories of persons is made possible with the assistance of the ICRC.

In another case that has received considerable attention in the United States, UNO/CDH reports that KISAN released two technicians, Jorge Canales and Fausto Cristy Moody, in Honduras, where they took temporary refuge in a UNHCR camp prior to returning to Nicaragua. The two Nicaraguans were taken prisoner along with a West German last spring. The date of their release has not been provided.

UNO/CDH continues to seek the cooperation of international human rights organizations in improving its operations. A major difficulty thus far in documenting charges of violent abuses by resistance forces is the Commission's lack of access to areas of alleged violations for on-site investigations and interviews of local residents and witnesses. UNO/CDH is attempting to overcome this obstacle through its training program for unit level human rights officers, who will be tasked with accompanying troops into combat and monitoring observance of the Code of Conduct. There obviously remain problems that must be resolved, in particular the authority such officers will have to intervene in cases of abuse and to report independently of the unit on such abuses.

The Commission has stated that it is prepared to investigate, to the best of its ability, all charges presented against resistance elements subject to its jurisdiction. In this connection, recent reports by Americas Watch and the Washington Office on Latin America have been provided by UNO/CDH to the FDN Military Command for its review and investigation. UNO/CDH will provide the results of this investigation when it is available.

HUMAN RIGHTS: THE SANDINISTA REGIME

The civil opposition remained under heavy pressure from authorities during this reporting period, with the brunt of the harassment directed against lower and mid-level activists. The regime moved to provide long-term legal justification for repression by issuing a number of new laws and regulations that significantly expand its economic and political control of the country. The chief instrument of control will be the new constitution, an FSLN-drafted document that has elicited the condemnation of the political opposition and provoked the withdrawal of the Liberal Independent and one Conservative faction from the constitutional drafting process.

Religious Oppression

Relations between the regime and the Catholic Church have settled into a pattern of open hostility over the past three The lead in the attack on the traditional Church was taken by Foreign Minister Miguel D'Escoto, whose politically-inspired "way of the cross" march provided a convenient vehicle for carrying denunciations of the Cardinal into Nicaragua's rural areas. While the march through the countryside aroused little public enthusiasm, it was given intense media coverage. D'Escoto's personal attacks, including charges of high treason and a warning that "drastic measures" were needed to disavow the Cardinal, were condemned by the official Vatican daily L'Osservatore Romano. While lambasting D'Escoto's personal role in persecution of the Church, however, L'Osservatore Romano pointed to the totalitarian nature of the regime, rather than personal animosities, as the chief cause for concern over the future of the Church in Nicaragua. worsening situation of Nicaragua's Catholic Church elicited strong statements of support from the Archdiocese of San Salvador and the Colombian Bishops, both condemning repression by the Sandinista regime and the "popular church."

Cardinal Obando was not the only Church authority subjected to official wrath. Bishop Pablo Antonio Vega -earlier extolled as a man with whom the Sandinistas could do business -- was castigated in the press for a speech he gave in Washington on repression of the Church. The government station Radio Sandino carried a statement by an attorney calling for Vega's trial on charges of "slander and libel and threatening state security." Vega was also labeled an agent of the C.I.A. and the "contras." Bishop Julian Barni of Leon was likewise denounced for his "immoral" reaction to a peace plan presented to him by Rafael Cordova Rivas, leader of the collaborationist faction of the Conservative Party. Commenting on the demand that the United States withdraw its request for \$100 million for the armed resistance, Barni offended official sensitivity by noting that he would "like Russia also to suspend its \$100 million in arms and everything."

The litany of denunciations aired daily by the government media provided accompaniment for the more serious actions against the Church. On April 10, the Ministry of Justice handed down its ruling on the Church social service agency, offices of which were occupied by force on October 15, 1985. The decree officially declared the Archdiocesan Commission for Social Promotion (COPROSA) illegal and all its activities illicit and passed to the state all property belonging to the organization. According to a Church spokesman, the property referred to included baptismal records, files, and the Cardinal's official seal. Also confiscated were the Church's printing press and other reproduction equipment.

The action against COPROSA, which provided essential health, education, and housing services to the poor, was apparently long under consideration. Two years ago an AID-donated vehicle was confiscated, and COPROSA has been a frequent target for charges of collusion with the CIA and other "anti-revolutionary" organizations, such as the American Institute for Free Labor Development.

The regime's determination to curb Church activity was again demonstrated on April 5. Lay activist Dr. Marvin Caldera, responsible for printing a Church bulletin for use during the Easter period, was forced by State Security agents to recover all distributed copies of the pamphlet and hand them over on pain of imprisonment. The bulletin contained only the liturgy for the second Sunday of Easter and a general prayer for the "year of the Eucharist."

Radio Catolica, closed by State Security on January 1, 1986, remained under government control. Minister of Interior Tomas Borge suggested in an interview with El Nuevo Diario that the closure is, for all intents and purposes, permanent. Borge refused to offer a definitive judgement on the future of the station, but did state emphatically that it could never again be what it once was, "a practically defiant instrument in opposition to revolutionary laws." Borge also lent some credence to recurring rumors that the station may be turned over to the state-sponsored "popular church," suggesting that Radio Catolica might yet "reappear" in a "new context."

Church-related news continued to be censored regularly from opposition daily La Prensa. Thus deleted was the text of a pastoral letter from the Bishops calling for peaceful reconciliation through negotiation; an end to the violence; and cessation of efforts by the popular church to divide Catholics and to manipulate doctrine for ideological purposes.

The Political Opposition

On February 7, six opposition parties delivered to the regime their proposal for ending the civil conflict. Conceived and signed by the Social Christians, Social Democrats, Conservatives, Constitutional Liberals, Liberal Independents, and Democratic Conservatives, the document calls for repeal of the state of emergency; agreement between all political parties for preparation and implementation of new elections; fulfillment of all international agreements and obligations for internal democratization; and the assistance of foreign representatives in assuring realization of the demands. Although the government did not reply directly, it offered a response in advance of its actual receipt of the proposal. February 6, the day before the letter was delivered, the government press dismissed the proposal as another "tired" CIA plan and one of its authors, Virgilio Godoy (Liberal Independent Party President and representative in the National Assembly), as a "new traitor." Having received no official response, Social Christian Party (PSC) President Erick Ramirez on March 22 sent the government a telegram urging acceptance of the proposal. His request has never been answered.

The civic opposition has been stung by continuing attacks on party activists and the realization that the draft constitution will provide a more comprehensive legal basis for elimination of organized opposition. Aspects of the draft constitution particularly worrisome to the opposition include:

- -- National Assembly authority to grant and cancel the legal status of civil and religious entities;
- -- vaguely worded authority to limit the existence of political parties;
- -- failure to guarantee the right to private property;
- -- failure to define the term "mixed economy";
- -- failure to limit the tenure of the President;
- broad powers accorded the President: the right to suspend civil liberties, to assume legislative authority during recess of the Assembly, and to impose a state of emergency under undefined conditions;
- -- failure to grant to the Assembly budgetary authority; and
- -- inclusion of an integrated party-state-army concept.

The obvious utility of the draft constitution as a means of expanding and perpetuating Sandinista control of the country has caused deep concern not only among the main-stream opposition, but also among parties represented in the National Assembly. The Liberal Independent Party and at least one of the Democratic Conservative factions have withdrawn from participation in the drafting process in protest of Sandinista refusal to alter key anti-democratic provisions of the draft. Two other parties are reportedly considering withdrawal. Despite regime claims that the draft is open to changes suggested during the round of "consultations" underway, there is little likelihood that any of the provisions guaranteeing Sandinista control will be altered.

The Social Christian Party suffered the loss of another party activist on January 20 (not previously reported) when two Sandinista soldiers gunned down Daniel Gonzalez Rivera. Gonzalez Rivera, a Social Christian Revolutionary Youth activist, had earlier been physically assaulted by the same two soldiers, concerning which a complaint had been filed with the Permanent Commission on Human Rights (CPDH). The murder was the third in several months. To date there are no indications that any punitive actions have been taken against the perpetrators of the crime.

In reaction to intense and sometimes violent harassment of PSC members and supporters, Party Vice President Azucena Ferrey in late April sent Daniel Ortega a letter condemning Sandinista policies and actions and calling for Ortega's resignation. On May 1, traditionally celebrated only by the labor unions, the PSC organized anti-government demonstrations and speeches by its own members and those of the PSC-affiliated Nicaraguan Workers Central (CTN). Participation in the activities was less than anticipated, however, since supporters in other cities found that no mass transportation was available to them, all of it having been reserved for government use.

Several opposition activists who were imprisoned in the wake of the state of emergency were released during this period. Their reports of detention were generally similar: all reported intense psychological abuse, including mock executions, threats, and repeated interrogation, and physical abuse such as frequent sleep interruption. Harsher forms of physical abuse appeared to depend on the length of detention and the recalcitrance of the prisoner's opposition to Sandinista policies. All were also warned upon release not to seek out any human rights organizations, not to speak to anyone about their detention, and to expect continued surveillance. Similar accounts were also offered by labor unionists released after several months imprisonment.

The imprisonment of Luis Mora Sanchez, released after ten months as a result of the intervention of former President

Carter, was more severe than the others. Arrested on June 15, 1985, for his participation in a public reception for newly-invested Cardinal Obando, Mora was beaten en route to the El Chipote prison where he was interrogated and held for three months. He was held in a tiny, airless room, in the dark, without a bed or sanitary facilities. Irregular meals consisted, he stated, of "rice and cockroaches." Like other prisoners, Mora was subjected to frequent sleep interruption and interrogations. He was never sentenced, nor was he ever questioned about his alleged "crime." From El Chipote, he was sent to the Zona Franca prison, where he shared a 20x10 foot cell with anywhere from 20-30 other prisoners. According to Mora, the appalling prison conditions had caused serious mental instability in many of those detained, and many others were ill with infectious diseases.

Mora was transferred to the Carcel Modelo (Model Prison) after a letter he had written seeking the help of the Cardinal was intercepted. Mora was given an individual cell, but soon had a cell-mate who proceeded to beat him brutally in full view of the guards. After a six-day hospitalization where he was treated for broken ribs, a broken nose, and internal injuries, he was sent to Tipitapa prison. He remained there for two months until his release. Mora was given new clothes and a warning to announce his satisfaction with the conditions of imprisonment.

The Press

There was no noteworthy change in the already heavy censorship of the press. La Prensa continues to face cuts of up to eighty percent of its daily material, a situation which prevented publication for the second time in 1986 on April 7. Among the articles prohibited for publication on that day were the text of the Bishops' pastoral letter; a declaration by the Liberal Independent Party that it would not participate in "open meetings" on the draft constitution; a statement by private producers on low levels of rice production; an announcement of travel by opposition leaders to Contadora countries; and a review of the April Contadora session.

Labor

A second prisoner released in April at the request of former President Carter was union official Jose Altamirano of the Nicaraguan Workers Central (CTN), arrested January 25 on charges of collaboration with the "internal front." The authorities have moved forcefully against the Confederation of Trade Union Unity (CUS), which has received assistance from the AFL-CIO's American Institute of Free Labor Development (AIFLD). On February 21, the authorities denied a CUS request for permission to hold a trades certification ceremony for 255 graduates, and the following day fourteen CUS officials were

arrested without charge. Two escaped, and all but one of the remaining twelve were still in prison as of May 4. Police officials claim that they are under investigation for "robberies and other crimes."

On March 25, CUS offices at the San Antonio Sugar Mill were raided and occupied by State Security; and on May Day, large numbers of CUS members were stranded in El Sauce and Chinandega when authorities prohibited chartered buses from transporting them to Managua. In Leon, other CUS members waiting for their chartered bus to Managua were rounded up and forced to march in the local Sandinista Central parade. One bus driver who refused to carry Sandinista supporters after being prevented from transporting his CUS clients was fined 100,000 cordobas.

Private Sector

Pressure to lend support to Sandinista goals or face confiscation was maintained over the past ninety days. Repeated threats against the private sector were given added meaning with the promulgation of various regulations enhancing the regime's control over private property and its ability to take discriminatory punitive actions.

Minister of Agriculture Jaime Wheelock laid down a marker on February 4, announcing to the foreign press that "exclusive property [ownership] in perpetuity now does not exist for us in this country," and asserting socialized agriculture as a national goal. On February 11, the Ministry of Internal Commerce (MICOIN) issued new regulations calling for registration of all consumers, providing for the issuance of ration cards by central rather than local authorities, and mandating the licensing of merchants and vendors. In addition to excluding from licensing all merchants in business less than five years, the regulations call for applicants to meet an "honesty requirement." MICOIN indicated it hoped to reduce significantly the number of vendors and merchants as a result of the new procedures.

On February 13, regulations for the new monetary control law were issued. Under the revised system, every business in Nicaragua will have a state-designated bank through which it must conduct financial transactions, as well as a state-determined petty cash limit. Businesses will be allowed to withdraw funds only to replenish petty cash accounts and to meet payroll obligations. Daily receipts, to be deposited the morning after receipt, cannot be used to increase petty cash and all expenditures of more than 200,000 cordobas (\$200) must be paid for by check. Businesses are also required to submit to their bank a monthly report of petty cash expenditures with a complete list of cash transactions.

Finally, on March 6 the government published regulations for the revised Agrarian Reform law providing for confiscation of property for inefficient utilization, abandonment, or as otherwise specified by the Reform law -- essentially, when confiscation suits the interests of the state. The regulations provide for an appeal of Ministry of Agriculture confiscations, but only to the Ministry of Agriculture. The Ministry can issue title to land, but it also has the authority to revoke titles from recipients who fail "to participate in agrarian reform and general development plans." Another provision with serious implications for private farming permits the government to declare "agricultural development zones" in "emergency situations" requiring a "quick solution." As indicated by the regulations, such emergencies might arise where large landholdings "demand a just and equitable" redistribution, or where the state requires land for development plans "to meet the goals of the state."

Although Agriculture Minister Wheelock assured the public that efficiently farmed land would be expropriated only in "extreme and exceptional cases,"— such as when campesinos want land and there is none to give away — the revision grants the regime unlimited authority to confiscate the holdings of the opposition. A recent study prepared by the U.S. Embassy in Managua suggests that the government has sufficient land holdings at its disposal to meet demands from the campesinos. Clearly, pressure against the private sector is largely politically inspired.

Sixty-one percent of the land in Nicaragua is now state-owned or in the "public domain." Thirty percent is privately owned, with the remaining 9 percent held by cooperative farms. More significant are the trends: between 1978-1985, 18 percent of the land has passed from private to public ownership. Individuals now own 29.6 percent of the land, down from 48 percent in 1978. Owners of the smallest farms (less than ten manzanas or seventeen acres) lost 25 percent of their land; owners of farms of 10-50 manzanas lost 55 percent of their land; and owners of the largest farms and ranches (over 500 manzanas) lost 70 percent of their holdings to the state. Despite the acquisition of private holdings for state use, the government has yet to open any new territories for agrarian reform. Judging by the record thus far, it is a fair assumption that the regime intends to continue expropriation of opposition holdings, transferring it to persons whose "ownership," in conformance with the regulations, is directly dependent upon cooperation with government objectives.

Further underscoring the intention to expand state control of agriculture, Vice Minister of Agriculture Alonzo Porras on April 11 stated that state-owned properties were slated to assume a leadership role in their locales, the basic vehicle

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for which would be their control of supplies. Under the envisioned system, state farms would mete out to surrounding farms -- including those privately owned -- needed seeds, transportation, and equipment. Even storage facilities would be located on the state farms. Porras described the intent of the plan was the "articulation" and "reinforcement" of agricultural goals. He also explained that all of the land seized by the government has been incorporated into state farms.

An illustration of the political motives behind government confiscations was provided in late January, when Ministry of Agriculture and Sandinista party officials visited the ranch of an opposition leader. Calling together the families that live and work on the estate, the officials promised rewards for those that were willing to cooperate with the regime's plans. They also warned that if the families did not cooperate, other families would be brought in to take over the land. The owner of the ranch had previously been approached with an offer by the Sandinistas: in exchange for a "donation" of 2000 manzanas of his land to the government and his signature on a public statement condemning U.S. aid to the armed resistance, he would be free from further measures against his property. His refusal to cooperate apparently led to the effort by the regime to arrange a "spontaneous" takeover of his property by "disgruntled workers."

The regime's new clout was exercised on April 28, when "Agricola Momotombo" -- a cotton and cattle complex -- was served with confiscation notice. No explanation was provided for the confiscation, leaving the owner with the presumption that seizure of his property was "of public utility or social interest," as provided for in the new law.

The reach of the state is extending inexorably deeper into private life. Before being licensed to work in their chosen field, Nicaraguan professionals must now provide the government with a personal biography, photographs, a health certificate, and recommendations from MICOIN and the neighborhood Sandinista Defense Committee. In addition, applicants must complete a lengthy questionnaire which includes sections on:

"class extraction": The names, ages, professions/offices,
employment and salaries of both parents

"political-ideological trajectory": Did you carry out any political activities against the Somoza regime before the Final Insurrection? provide the name of your superior if you fought in the Final Insurrection and tell us why you fought...what activities are you involved in in your zone or barrio?...if you did not participate in the Final Insurrection, set out your specific motives for failing to undertake any political activities against the Somoza regime...if you have had an opportunity to associate with

the FSLN, provide the names/pseudonyms of persons who offered you this opportunity and explain why you did not accept it...if you had an opportunity to affiliate with other revolutionary organizations or political parties, provide the names of the parties and explain why you did not do so

"friends": List names of friends working in any state institution, the military, the police, or Sandinista organizations

Atlantic Coast

The turmoil and violence that has plagued Nicaragua's indigenous peoples erupted again in late March with an attack by the Sandinista military against Indian villages along the Rio Coco. The unexpected assault triggered a mass exodus of Miskitos across the river into Honduras, where on April 4 the United Nations High Commission on Refugees declared an emergency.

According to reports of the events provided by the Miskitos, on March 25 and 26 elements of the Sandinista Army assaulted the villages of Bilwaskarma, Wasla, and Kum with mortars and tanks. Many refugees reported seeing Red Cross uniforms among the attackers, and there were claims that the Red Cross symbol had been used to enable soldiers to enter the villages without resistance, after which they began rounding up youths for military service. The effort at forced recruitment is said to have set off fighting, although it is unclear whether this incident was isolated or somehow related to the widerspread fighting that eventually occurred.

Refugees all agree, however, that it was the firing of mortars and other weapons into the villages that set off the panic. Many Indians fled as quickly as possible across the river into Honduras, most taking along nothing but their families; others headed for neighboring villages, where they found similar waves of panic-stricken residents queuing for canoes to cross the river. The fear that impelled the exodus was reinforced when word spread that the Sandinista soldiers were threatening to send the Miskitos back to the hated relocation camps, from which they had been released only in late 1985. In the end, approximately 11,000 Miskitos crossed the border, leaving another 4,000 behind in the militarily-occupied villages.

There was no readily apparent immediate cause for the assault along the Rio Coco. Although the area is a source of strong popular support for the Indian resistance, the level of armed activity was not unusual or even high. The action seems to fit into the general broad-ranging offensive by the Sandinistas against all elements of the armed resistance.

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There have been reports that the army has increased its attacks on the resistance throughout the Atlantic Coast in recent months, and refugees entering Costa Rica are telling of Sandinista death squads that are now operating there against suspected supporters or sympathizers of the resistance. It is also possible that the Sandinistas hoped to force an exodus of the Rio Coco population into Honduras, thus depriving KISAN of its support base in its area of operations. The latter explanation would fit in with the reported military occupation of the region.

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HUMANITARIAN ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

During the past ninety-day period, the Nicaraguan Humanitarian Assistance Office (NHAO) conducted operations in the manner described in the previous Presidential Reports to Congress, and continued to be guided by the criteria set forth in the legislation, as clarified by subsequent expressions of Congressional intent.

As of March 25, NHAO had obligated the entire \$27,000,000 authorized by the legislation (which specified that the funds would remain available for obligation until March 31). However, not all of the supplies have yet been delivered.

GAO AUDIT AND CONGRESSIONAL TESTIMONY

On March 5, 1986, following a General Accounting Office (GAO) audit of NHAO's operations, representatives of GAO and the Administration testified at a hearing conducted by the Western Hemisphere Subcommittee of the House Foreign Affairs Committee.

The GAO witness stated that: (a) there is no evidence NHAO paid for lethal items; (b) NHAO exercises "considerable control" over purchases from US suppliers; and (c) NHAO and the Department of State "have done about as much as they can" to monitor the disbursement of funds. However, GAO alleged that NHAO is unable to verify expenditures made in Central America, that NHAO cannot observe the end use of procured items to assure that no diversion takes place, and that there is an inadequate audit trail for NHAO's payments into the U.S. bank accounts of Central American suppliers.

NHAO responded to these criticisms with the following observations:

- -- Political sensitivities in the region precluded NHAO from having its own representatives in Central America to monitor and verify purchases, or to have a bank account from which to pay local suppliers directly. Moreover, the terms of the authorizing legislation excluded both the CIA and DOD from the administration of these funds. Thus NHAO was denied access to the operational infrastructure of those agencies in Central America, though NHAO was able to utilize their information gathering capabilities, particularly to verify deliveries.
- -- The basic assistance items -- food, clothing, medicine -- provided by NHAO are priority needs of the resistance forces; they have no incentive to divert or exchange these supplies for prohibited lethal items. GAO agrees there is no evidence to suggest they have tried to do so.

-- With respect to the payment of Central American suppliers, some are receiving payments directly through their own accounts in Miami (this is true for 66% of the dollar value of such payments). Other suppliers are paid indirectly through the account of a designated agent. There is prima facie evidence that the suppliers are in fact being paid: they have provided NHAO with notarized statements of payment, they have not complained of non-payment, and they continue to dispense supplies to the resistance.

It is therefore not true, as some have alleged, that NHAO cannot account for the funds disbursed to Central American suppliers.

RESOLUTION OF TRANSPORTATION PROBLEMS

As noted in previous reports, starting in mid-October NHAO experienced difficulties in transporting to Central America supplies that had been purchased in the United States. In mid-February, these difficulties were overcome and the resistance forces were able to draw down the sizable inventories of pharmaceuticals, medical equipment and supplies such as boots and clothing that had accumulated during the period when transportaion arrangements were interrupted.

ENHANCED OVERSIGHT

Coincident with the resumption of transportation from the United States to Central America, NHAO was able to arrange for its Field Operations Officer to travel on a TDY basis to the region. The periodic presence of this officer in Central America has significantly improved NHAO's ability to monitor the resistance movement's logistical system and personnel as well as the regional suppliers.

CUMULATIVE SUMMARY OF OBLIGATIONS

NHAO Grants

1. Program Grants (to be disbursed through letters/memoranda of commitment, except Project Hope and Fundacion grants, see "notes" below)

Grant 601 (UNO)	\$1,000,000
issued 10/3/85	4.9 - - - - - - - - - -
Grant 602 (UNO)	\$1,500,000
issued 10/15/85	
Grant 603 (UNO)	\$3,000,000
issued 10/29/85	
Grant 604 (UNO)	\$3,000,000
issued 11/11/85	
Grant 605 (Fundacion de	\$ 675,000 ^a
Nicaragua)	
issued 11/13/85	
Grant 641-003 (Project Hope)	\$3,400,000 ^b
issued 12/02/85	
Grant 606 (UNO)	\$3,000,000
issued 12/23/85	
Grant 607 (UNO)	\$1,500,000
issued 2/13/86	
Grant 608 (UNO)	\$3,000,000
issued 2/28/86	
Grant 609 (UNO)	\$3,000,000
issued 3/24/86	
Grant 610 (UNO)	\$3,600,990
issued 3/25/86	

Administration Grants

Grant 641-001 (UNO Washington)	\$ 114,000C
issued 10/17/85	
Grant 641-002 (IDEA, Inc.)	\$ 50,675d
issued 11/06/85	

3. <u>Direct NHAO Obligations</u>

Grant 632-001		Buildings)	\$ 19,335
issued 12/	23/85		

4.	NHAO Administrative Costs	\$ 140,000
	(see below for breakdown)	

TOTAL\$27,000,000

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NHAO Commitments

1. Against Program Grants through 5/1/86

Humar	nitarian Assistance	• • • • •		\$23	3,478,572
	Equipment	\$3,5 \$5,4 \$2,0 \$3,7	25,714 72,356 84,283 00,441	3 (36) (15) 5 (23) 6 (8) 1 (15)	.0%) .3%) .9%) .8%)
	 Against Administrat 	•		-	
Administration Commitments\$ 164,675					
	UNO Liaison Office IDEA, Inc.		14,000 50,675		
	TOTAL NHAO COMMITMEN	TS	• • • • •	\$2	3,643,247
NHAO	In-House Administrative	Expe	nses		
инао	Administrative Expenses	• • • •	••••	\$	140,000
	Direct Personnel Costs Travel Office Rent Telephone toll calls	\$ \$ \$ \$ \$	66,00 31,53 32,60 5,88	00 L5 00 35	

Notes

Miscellaneous

a. The program grant to the Fundacion de Nicaragua funds longer-term care in the U.S. and UNO's medical staff in the Central American region. Support for UNO's human rights program is also being channelled through the Fundacion.

4,000

- b. Using information provided by NHAO staff, Project Hope produced a comprehensive program to meet both emergency and on-going health care supply needs. Pursuant to that program, the grant to Project Hope funds the purchase within the United States of pharmaceuticals and medical equipment.
- c. The administration grant to UNO's Washington office stipulates that its activities must be strictly limited to providing liaison between UNO and NHAO so as to facilitate the flow of humanitarian assistance.

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d. The administration grant to IDEA, Inc. (with provisions comparable to the UNO Washington grant regarding cash advances) funds administrative support services, including assistance to the regional medical program and to KISAN (the Indian/Creole component of UNO) in submitting assistance requests to NHAO through UNO.

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